

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 1.004.024 WO | FOR FURTHER ACTION | | See Form PCT/PEA/416 |
| International application No. PCT/NL2004/000863 | International filing date (day/month/year) 10.12.2004 | Priority date (day/month/year) 12.12.2003 | |
| International Patent Classification (IPC) or national classification and IPC A22C11/00 | | | |
| Applicant TOWNSEND ENGINEERING B.V. ET AL. | | | |
| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 5 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 10 sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). | | | |
| 4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application | | | |
| Date of submission of the demand 12.10.2005 | | Date of completion of this report 08.02.2006 | |
| Name and mailing address of the international preliminary examining authority: <div style="display: flex; align-items: center;"> <div> European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 </div> </div> | | Authorized Officer von Arx, V. Telephone No. +31 70 340-2464 | |



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/NL2004/000863

AP20 Rec'd PCT/PTO 06 JUN 2006

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-7 filed with telefax on 28.10.2005

Claims, Numbers

1-15 filed with telefax on 28.10.2005

Drawings, Sheets

1/4-4/4 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NL2004/000863

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 1-6 |
| | No: Claims | 7-15 |
| Inventive step (IS) | Yes: Claims | 1-6 |
| | No: Claims | 7-15 |
| Industrial applicability (IA) | Yes: Claims | 1-15 |
| | No: Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Reference is made to the following document:

D1: US-A-4418447

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses, see the whole document and particularly col. 5, line 47, to col 7, line 35, a method for phased separation of a sausage strand, comprising the processing steps of:

- A) supplying a sausage strand,
- B) positioning the sausage strand relative to a separating element,
- C) moving at least two pressing members (34) forming part of the separating element toward each other with a first movement such that the sausage strand is constricted locally,
- E) moving at least two cutting members (56) forming part of the same separating element toward each other such that the sausage strand is separated at the position of the sausage strand constricted locally during processing step C).

The subject-matter of claim 1 differs from this known method in that between steps C) and E) the pressing members 34 are moved apart.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The prior published documents, cited in the description or in the international search report, either taken individually or in combination do not disclose, suggest or reasonably lead the person skilled in the art to consider moving the pressing members (34) apart during a processing step D) between steps C) and E).

The person skilled in the art would not be able to combine all the features of claim 1 and as such arrive at the claimed method without an inventive activity.

Moreover, claims 2 to 6 are dependent on claim 1, and thus all the claims 1 to 6 satisfy the requirements of Article 33(2)(3) PCT.

The present application does not satisfy the criterion set forth in Article 33(2) PCT because the subject-matter of independent claims 7 and 13 is not new in respect of the prior art as defined in the regulations (Rule 64(1)-(3) PCT):

Document D1 discloses a separating element (see fig. 10) for phased separation of a sausage strand (58) comprising:

- at least two pressing members (34), which pressing members are relatively displaceable between a release position and an operative position in which the pressing members are placed closer together than in the release position (see figs. 2 and 4 to 7), and
- at least two cutting members (56) *forming part of and thus* assembled with the pressing members (34), which cutting members are relatively displaceable between a release position and a cutting position, whereby
- *each of the cutting members (56) form part of a respective pressing member (34) and* the cutting members (56) are *thus* rigidly paired to a pressing member (34) and
- a paired cutting member (56) and pressing member (34) are situated on opposite sides of the sausage strand (58) to be separated.

D1 also discloses that a plurality of such separating elements may be placed in line to form an assembly.

From the above it appears that all the features of claims 7 and 12 are known from this one document D1 at least by implication and the subject matter of said claims can therefore not be regarded as new.

Dependent claims 8 to 11 and 13 to 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see document D1 and the corresponding passages cited in the search report.